

6. (Amended) A tissue cutting device, comprising:

a cutting element;

a transducer that moves said cutting element, said transducer having a natural frequency and can operate in a resonant mode;

a control circuit that provides a driving signal to said transducer, said driving signal including a plurality of pulses provided in a time duration that causes said transducer to operate in a non-resonant mode.

The applicant has attached an edited version of the amended claims as an Appendix.

REMARKS

The Examiner rejected claims 1-12 under 35 U.S.C. §112, second paragraph. The applicant has amended independent claims 1 and 6 to clearly recite that the transducer operates in a non-resonant mode. The applicant submits that the claims now comply with the second paragraph of §112.

The Examiner rejected claims 1-12 under 35 U.S.C. §102(e) as being anticipated by Cimino. Independent claims 1 and 6 recite operation in a non-resonant mode. This is exactly the opposite of Cimino which discloses a system that operates in the resonant mode. Column 7, lines 43-48 of Cimino clearly discuss providing power at a resonant frequency. The Examiner states that Cimino provides energy that could inherently cause operation in a non-resonant mode. The applicant fails to see how non-resonant operation would be inherent from a specification that only discusses resonant operation. The applicant submits that Cimino explicitly and inherently discloses operation in a resonant mode and therefore does not anticipate claims 1-12.